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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,493	08/01/2008	Charles Ifejika	JEN,106	2352

7590 09/15/2010
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EXAMINER

MARKOFF, ALEXANDER

ART UNIT	PAPER NUMBER
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1711

MAIL DATE	DELIVERY MODE
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09/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,493	Applicant(s) IFEJIKA, CHARLES	
	Examiner Alexander Markoff	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ifejika (US Patent No 5,129,410).

Ifejika teaches a method and the apparatus as claimed. See entire document, especially Figure 2 and the related description and the description at column 1, line 23 – column 2, line 68, column 3, line 32 – column 4, line 11.

The document teaches an apparatus comprising the holder as claimed, and means adapted to impart a reciprocating and vibration motion as claimed. The document discloses the baskets as claimed. The document teaches the frequency of reciprocating and vibration motion as claimed.

Ifejika does not specifically state that the recited motion creates the bubbles in the liquid.

However, since Ifejika teaches the same motion as claimed at the same frequency as claimed the result of this motion in the liquid would be inherently the same. Thus, the same bubbles would be created.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ifejika '410.

Ifejika does not specifically state that the reciprocating vibration motion is applied for one minute after the initial application of the referenced motion for one minute, which is followed by turning on the device.

Ifejika, however, teaches that during the cleaning the apparatus operates for one minute and then is turned off automatically or manually.

It would have been obvious to an ordinary artisan that the lenses cleaned by such method would have to be cleaned again at some point after the use. It would also have been obvious to an ordinary to use the apparatus more than one time to clean the

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same or different lenses. The use of the apparatus for cleaning after the first cleaning would be readable on the claims.

Further, it would have been obvious to an ordinary artisan at the time the invention was made to repeat the cleaning if the initial cleaning was not satisfactory for any reason to have the lenses cleaned.

6. Claims 3, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ifejika '410 in view of Ifejika (US Patent 6,363,953).

As to claims 3, 9-11:

Ifejika '490 does not specifically teach the construction of the means adapted to impart the reciprocating and vibration motion. However, Ifejika '490 states that the referenced means may comprise a cam arrangement.

Cam arrangements with a slot and an offset pin are well-known in the art.

Thereby it would have been obvious to utilize such conventional arrangements for their primary purposes in Ifejika '410.

Further, Ifejika '953 teaches that it would have been known to use a gear means comprising a slot, offset pin, an arm and the motor in the apparatus for cleaning contact lenses (at least Figure 2 and the related description, column 2, lines 47-53), which is disclosed as an improvement for the apparatus of Ifejika '410 (EP 0394254, which is cited by the Ifejika '953 at column 1, line 43, correspond to Ifejika '410).

Thereby, it would have been obvious to an ordinary artisan at the time the invention was made to use the known gear means in the means adapted to

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impart the reciprocating and vibration motion of Ifejika '410 for their primary purpose with reasonable expectation of adequate results.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4653519, 4776360, 4779633, 4852594, 4961725 and 5144144 are cited to show the state of the prior art with respect to the methods and apparatuses for cleaning contact lenses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Markoff
Primary Examiner
Art Unit 1711

/Alexander Markoff/
Primary Examiner, Art Unit 1711